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TO: Members of the Construction Code Commission  
FROM: *Henry L. Green*  
SUBJECT: Who May Request an Inspection?

At the last Construction Code Commission meeting, I was asked to research this question. After reviewing the State Construction Code Act, applicable code rules, and the licensing law provisions, it appears either the permit holder or their agent or the owner of the property may request an inspection on a validly issued permit. This conclusion is based upon the language in the Act. The following information is provided in support of this conclusion:

#### State Construction Code Act

Section 10 of the Act provides:

"Except as otherwise provided in the code, before construction of a building or structure, the owner or the owner's builder, architect, engineer, or agent, shall submit an application in writing to the appropriate enforcing agency for a building permit..."

Additionally this section provides:

"If construction is proposed to be undertaken by a person other than the owner of the land in fee, the statement shall contain the full name and residence, by street and number, of the owner and also the person proposing the construction..."

Section 10 also requires:

"A person shall not be recognized as the agent, attorney, engineer, architect, or builder of another person unless the person files with the enforcing agency a written instrument, which shall be an architectural, engineering, or construction contract or power of attorney, or letter of authorization signed by that other person designating the person as the agent, attorney, architect, engineer, or builder and, in case of a residential builder or maintenance and alteration contractor, architect, or engineering, setting forth the person's license number and expiration date of the license."

The electrical, mechanical and plumbing codes provide for the issuance of permits to homeowners, or licensees. This limitation is based on the licensing law provisions that require a person performing work to secure a permit.

The Act does not specify who may call for an inspection. Specifically, the Act provides in Section 12 that the "...enforcing agency shall periodically inspect all construction undertaken pursuant to a building permit issued by it to insure the construction is performed in accordance with conditions of the building permit and is consistent with requirements of the code and other applicable laws and ordinances."

### **Code Provisions**

Section 113.2 of the Michigan Building Code provides, in part:

"It shall be the duty of the permit holder or his or her agent to notify the building official when any portion of the work is ready for inspection..."

Section 107.1 of the Michigan Mechanical and Plumbing Codes provides, in part:

"The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspection and such inspections as necessary..."

The Michigan Electrical Code does not provide any additional requirements for inspections beyond those set forth in the statute.

### **Licensing Law Provisions**

The licensing provisions provide that a person must hold a license to perform work. However, the licensing acts do not specifically require that person to secure a permit.

The Electrical Administrative Act provides in Section 5(1):

"Except as otherwise provided in this section and in section 7, a person, firm, or corporation shall not install any electrical wiring, devices, appliances, or appurtenances...without being licensed."

The Forbes Mechanical Contractors Act provides in Section 7:

"Except as provided in subsection (3) and section 14, an individual, partnership, association, corporation, governmental subdivision, college, or university shall not perform installations, alterations, or servicing in the work classifications set forth in section 6(3)...unless...has received...a contractor's license from the department..."

The Plumbing Law provides in Section 5:

“No person shall engage in or work at the business of a master plumber or journeyman plumber in any city or village...unless licensed to do so by the plumbing board.”

### **Conclusion**

A contractor performing work for a homeowner or the owner of property is by definition in Section 10 of the Act acting as that person's agent for purposes of performing work on the property. Section 10 provides that a owner or their agent, contractor, architect or engineer may secure the permit. As a condition of acting in this capacity the person acting as the agent must submit evidence of having the permission of the property owner to perform the work.

Additionally, the Act provides that when work is undertaken and the person performing the work is unknown, notice of the violation is provided to the property owner. Therefore, it is my conclusion that a person who is the owner or the owner's agent or contractor (including contractor's representative) may request an inspection.

It should be noted that as a policy, we require the requesting party to provide certain information when requesting an inspection. This includes: the requesting parties name; Permit Number; address of the project (job location); conditions of access; phone number of requesting party; and type of inspection requested. Our permit provides this information for the use by the permit holder.

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